

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: DEBBIE EDWARDS, Debtor, TOYOTA MOTOR CREDIT CORPORATION, Movant, v. Respondents. DEBBIE EDWARDS, and WILLIAM KENNETH MASON, Non-Filing Co- Debtor, and SCOTT F. WATERMAN, Trustee, Respondents.	Bankruptcy No. 19-16421-amc Chapter 13
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MOTION FOR RELIEF AND CO-DEBTOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Toyota Motor Credit Corporation (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this *Motion for Relief and Co-Debtor Relief from the Automatic Stay* (the “Motion”), representing as follows:

THE PARTIES

1. Respondents, Debbie Edwards (“Debtor”) and William Kenneth Mason (“Non-Filing Co-Debtor”), are adult individuals with a place of residence located at 2824 Walnut Hill Street, Philadelphia, Pa 19152.

2. Scott F. Waterman is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding, and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about October 11, 2019, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about January 6, 2018, the Debtors purchased a 2013 Toyota Avalon Hybrid, VIN: 4T1BD1EB0DU008848 (the “Vehicle”), pursuant to a Retail Installment Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

6. Movant has a secure interest in the Vehicle, as evidenced by the Certificate of Title attached hereto as **Exhibit B**.

7. The loan matured on January 5, 2024; Movant no longer has a contractual relationship with the Debtors.

8. As of the date of this Motion, the Total Debt due was \$3,628.63.

9. The N.A.D.A value for the 2013 Toyota Avalon Hybrid, VIN: 4T1BD1EB0DU008848 is \$8,750.00. A true and correct copy of a printout showing that value is attached hereto as **Exhibit C**.

10. Movant is entitled to relief from the automatic stay for cause due to the lack of adequate protection. 11 U.S.C. §362(d)(1).

11. Code Section 1301 provides for a stay against collection against a co-debtor

12. Movant is entitled to co-debtor relief pursuant to 11 U.S.C. § 1301(c) because (i) Movant will be irreparably harmed if not able to pursue collection action against the Co.-Debtor for any balance of the note not paid and for repossession and sale of the Vehicle.

WHEREFORE, Movant, Toyota Motor Credit Corporation, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay in regard to all Debtors, with respect to the 2013 Toyota Avalon Hybrid, VIN: 4T1BD1EB0DU008848.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Keri P. Ebeck
Keri P. Ebeck, Esq.
PA I.D. # 91298
kebeck@bernsteinlaw.com
601 Grant Street, 9th Floor
Pittsburgh, PA 15219
Phone (412) 456-8112
Fax: (412) 456-8135

Counsel for Toyota Motor Credit Corporation

Dated: August 29, 2024